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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170560
Party	Defendant Knud Nielsen Company, Inc. Knud Nielsen Company, Inc. 217 Park Street Evergreen, AL 36401 njohnson@bradleyarant.com
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Date	05/09/2007
Attachments	91170560 MOTION TO AMEND APPLICATION SERIAL NO 78547410 AND CONTINGENT DISMISSAL OF OPPOSITION.pdf (3 pages)(58486 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

POULSEN ROSER, A/S,)	
)	
Opposer,)	
)	Opposition No. 91170560
v.)	Application Serial No. 78/547,410
)	
KNUD NIELSEN COMPANY, INC.)	
)	
Applicant.)	

**MOTION TO AMEND APPLICATION WITH SERIAL NO. 78/547,410
WITH CONSENT OF OPPOSER
AND
CONTINGENT STIPULATION OF DISMISSAL OF OPPOSITION PROCEEDING**

Applicant Knud Nielsen Company, Inc. owner of Application Serial Number 78/547,410 ("Applicant"), on the one hand, and Opposer Poulsen Roser ("Opposer"), on the other hand (each a "Party" and collectively the "Parties") have arrived at a negotiated and final settlement of the issues raised in the above captioned proceedings, namely, Opposition No. 91170560 (the "Proceeding").

A. Request to Amend the Application

In light of the agreement of the parties, and pursuant to 37 C.F.R. § 2.133 and T.B.M.P. § 514, the Applicant, with the consent of Opposer, requests to amend the identification of goods of the application (Application Serial No. 78/547,410) (the "Application") that is the subject of the Proceeding by making the insertions shown in bold underlining below:

"Dried and natural flowers **not including roses or clematis**; arrangements of dried and natural flowers **not including roses or clematis**."

Applicant and Opposer intend and believe that the amendment set forth above does not expand the scope of the Application's description of goods. Applicant and Opposer respectfully request the Trademark Trial and Appeal Board to grant this Motion to Amend and order entry of the amendment.

B. Contingent Stipulation of Dismissal of Opposition Proceeding

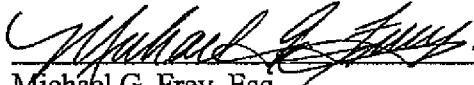
In light of the agreement of the parties, and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.107 and T.B.M.P. § 605.03, **and contingent upon, as conditions precedent: (i) the Board's granting of the above motion to amend** the identification of goods of the Application *and* **(ii) entry** of the amendment, Opposer and Applicant stipulate to the dismissal with prejudice of the Proceeding in its entirety including all claims, counts, and actions filed in the Proceeding, and further including, without limitation, all counterclaims, with each Party to bear its own attorneys' fees and costs.

WHEREFORE, Applicant and Opposer mutually request that the Trademark Trial and Appeal Board:

- (1) Grant this Motion to Amend the Application, and
- (2) Cause the amendment as set forth above to be entered and effective, and

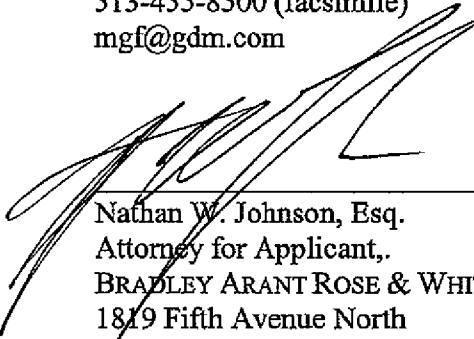
(3) Following both the Board's granting of the Motion to Amend and the actual entry of the amendment, enter an order dismissing these Proceedings.

5-9-2007
Date



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5-9-07
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